

UNITED STATES BANKRUPTCY COURT

EASTERN DISTRICT OF NEW YORK

=====X

IN RE:

MARYLOU C GATTO  
AKA MARYLOU GATTO  
AKA MARYLOU C CANEVARI  
AKA MARY LOU C GATTO  
AKA MARY LOU CANEVARI  
AKA MARY LOU GATTO  
AKA MARYLOU C CAVEVARI  
AKA MARY LOU C CANEVARI

tmd3574/mrm

October 4, 2018

09:30 AM

Case No. 818-74826-AST

Hon. ALAN S. TRUST

Debtor.

**NOTICE OF MOTION**

=====X  
PLEASE TAKE NOTICE, that upon the within application, Marianne DeRosa, Chapter 13 Trustee will move this court before the Hon. Alan S. Trust, U.S. Bankruptcy Judge, at the United States Bankruptcy Court, at 290 Federal Plaza, Room 963, Central Islip, New York, 11722, on October 4, 2018 at 09:30 AM or as soon thereafter as counsel can be heard, for an order pursuant to 11 U.S.C. 1307(c) dismissing this Chapter 13 case and for such other and further relief as may seem just and proper.

Responsive papers shall be filed with the bankruptcy court and served upon the Chapter 13 Trustee, Marianne DeRosa, Esq., no later than seven (7) business days prior to the hearing date set forth above. Any responsive papers shall be in conformity with the Federal Rules of Civil Procedure and indicate the entity submitting the response, the nature of the response and the basis of the response.

Date: Jericho, New York  
September 17, 2018

/s/ Marianne DeRosa

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MARIANNE DeROSA, TRUSTEE  
125 JERICHO TURNPIKE; STE 105  
JERICHO, NY 11753  
(516) 622-1340

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Hon. ALAN S. TRUST

**APPLICATION**

Debtor.

=====X

TO THE HONORABLE ALAN S. TRUST U.S. BANKRUPTCY JUDGE:

MARIANNE DEROSA, Chapter 13 Trustee in the above-captioned estate, respectfully represents the following:

1. The Debtor filed a petition under the provisions of 11 U.S.C. Chapter 13 on July 18, 2018, and, thereafter, MARIANNE DEROSA was duly appointed and qualified as Trustee.

2. Furthermore, the Debtor has failed to:

a. commence making Chapter 13 Plan payments to the Trustee as required by 11 U.S.C. § 1326(a)(1); and

b. provide the Trustee with disclosure documentation as required by E.D.N.Y LBR 2003-1; and

c. appear and be examined at the Section 341 Meeting of Creditors as required by 11 U.S.C. §343.

3. The Debtor's failure to provide these items impedes the Trustee's ability to administer this case and, therefore, is a default that is prejudicial to the rights of the creditors of the Debtor pursuant to 11 U.S.C. §1307(c)(1).

4. Each of the foregoing constitutes cause to dismiss this Chapter 13 case within meaning of 11 U.S.C. §1307(c).

WHEREFORE, the Chapter 13 Trustee respectfully requests that this Court enter an Order dismissing this Chapter 13 case and for such other and further relief as may seem just and proper.

Dated: Jericho, New York  
September 17, 2018

s/Marianne DeRosa  
Marianne DeRosa  
Chapter 13 Trustee

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NEW YORK

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CERTIFICATE OF SERVICE  
BY MAIL

Debtor.

-----X

This is to certify that I, Matthew R. Matz, have this day served a true, accurate and correct copy of the within Notice of Motion and Application by depositing a true copy thereof enclosed in a post-paid wrapper, in an official depository under the exclusive care and custody of the U.S. Postal Service within New York State, addressed to each of the following persons at the last known address set forth after each name:

MARYLOU C GATTO  
11 WINSTON DRIVE  
SMITHTOWN, NY 11787

RICHARD A JACOBY, ESQ.  
JACOBY & JACOBY  
1737 NORTH OCEAN AVENUE  
MEDFORD, NY 11763

DITECH FINANCIAL LLC  
RAS BORISKIN, LLC  
900 MERCHANTS CONCOURSE, SUITE 310  
WESTBURY, NY 11590

This September 17, 2018

/s/Matthew R. Matz  
Matthew R. Matz, Paralegal  
Office of the Standing Chapter 13 Trustee  
Marianne DeRosa, Esq.  
125 Jericho Turnpike; Suite 105  
Jericho, NY 11753  
(516) 622-1340

CASE NO: 818-74826-AST  
Hon. ALAN S. TRUST

UNITED STATES BANKRUPTCY COURT  
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Debtor.

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NOTICE OF MOTION AND APPLICATION TO DISMISS CASE

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MARIANNE DeROSA, TRUSTEE  
125 JERICHO TURNPIKE; SUITE 105  
JERICHO, NY 11753  
(516) 622-1340